



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 2565**  
Mitsuaki OSHIMA : Attorney Docket No. 2003\_1571  
Serial No. 10/694,343 : Group Art Unit 2611  
Filed October 28, 2003 : Examiner Phuong M. Phu

A TELEPHONE FOR TRANSMITTING AN UPLINK SIGNAL TO A BASE STATION AND FOR RECEIVING FIRST AND SECOND DOWNLINK SIGNALS FROM THE BASE STATION, AND A BASE STATION FOR RECEIVING AN UPLINK SIGNAL FROM A TELEPHONE AND TRANSMITTING FIRST AND SECOND DOWNLINK SIGNALS TO THE TELEPHONE (AS AMENDED)

**RESPONSE UNDER 37.CFR.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP-2611**

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**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975**

Sir:

This paper is in response to the Office Action mailed October 11, 2007.

Claims 39, 40, 45, 46, 51, 52, 57, 58, 63, 64, 69, 70, 75, 76, 81 and 82 are pending.

In item 3 on page 2 of the Office Action, claims 39, 40, 45, 46, 69 and 70 were provisionally rejected on the ground of non statutory obviousness-type double patenting as being unpatentable over claims 39, 41, 48, 50, 84 and 86, respectively, of copending application 10/695,780.

In item 4 beginning on page 6 of the Office Action, claims 63 and 64 were provisionally rejected on the ground of non statutory obviousness-type double patenting as being unpatentable over claims 75 and 77, respectively, of copending application 10/695,780 in view of claim 84 of application 10/695,780.